IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.7000 OF 2004

Zarir Rustom Joshi & Ors. .. Petitioners

vs

Burzor Rustom Joshi & ors. .. Respondents

Mr V.M.Parshurami with Mr A.L.Patki, for the petitioners.

Mr C.M.Mehta i/b M/s Mehta &Co for respondent nos 1 & 3. Respondent no.2, though serve, absent.

Mr A.H.Palekar, AGP for respondent nos. 4 and 5.

CORAM : D.B.BHOSALE,J.

DATE : 28th October, 2004.

PC:

1. Heard the learned counsel for the parties.

2. The learned counsel appearing for the parties state that I need not examine the merits of the case and the parties would be satisfied if the following directions are issued.

(a) The Joint Charity Commissioner shall hear and dispose of Application No.3 of 2002 filed by the petitioners under section 41(E) of the Bombay Public Trusts Act, 1950 (for short, "the Act") as expeditiously

as possible and preferably within a period of three months from the date of receipt of this order. The parties are directed to co-operate disposal of the aforementioned application within timeframe.

(b) Though the application filed by the petitioners under section 37 of the Act has been rejected, it is open for the Joint Charity Commissioner to exercise the powers under section 37 of the Act if he finds it necessary in the course of hearing of the Application No.3 of 2002.

(c)ï¿½Mr.Mehata, learned counsel for respondent nos 1 and 3, states that respondent nos 1 and 3 shall maintain status-quo of all the properties of the trust till disposal of Application No.3 of 2002. His statement is accepted.

(d) Respondent no.2 is, accordingly, directed to maintain status-quo of all the properties of the trust till disposal of Application No.3 of 2002.

(e) The petitioners to communicate this order to the Joint Charity Commissioner within two weeks from today.

. With these directions, the writ petition is disposed of.

. An authenticated copy of this order may be made available to the parties

(D.B.BHOSALE, J.)